

GROUND RULES

This proceeding shall be conducted in accordance with the provisions of G.L. c. 30A and 220 C.M.R. §§ 1.00 et seq., the Procedural Rules of the Department. In addition, the following ground rules shall apply to the conduct of the proceedings in this matter:

1. Exchange of Materials

The parties shall make arrangements for the expeditious exchange of materials through the use of hand delivery, facsimile transmission ("FAX"), e-mail, or other speedy means of delivery. Unless otherwise not feasible, the use of mail delivery should be avoided in the exchange of material. Where material is delivered by means of FAX, a follow-up copy of the material must be otherwise delivered (use of mail delivery may be appropriate).

2. Protected Material

Where information or material is sought that is considered proprietary or protected by one party, the parties should discuss the use of a non-disclosure agreement before coming to the Department for protection or compelled submission.

The Department will make a reasonable effort to extend protection where appropriate within the requirements of the law and in consideration of the policy interests regarding public access. A party requesting proprietary treatment must submit its request in writing and state the reasons therefore. The party seeking such treatment has the burden to demonstrate that the materials should be afforded the treatment requested in light of the presumption that such information is a public record.

3. Format of Document Filings

All documents filed with the Department and all documents offered as exhibits shall be accurately punched to fit a standard three-hole binder. All documents shall be accompanied by a cover letter describing the filing and noting the distribution of copies. In addition to filing hard copies of documents with the Department, all documents shall be e-mailed to Department staff and others on the service list. These documents shall end with ".wpd" so that Department staff might open the

attachment.

Copies of all documents that are filed with the Department, including letters, pleadings and briefs, but excluding discovery and responses to discovery, also must be provided electronically, by one of two means: (a) e-mail attachment to Kimberly.Tran@state.ma.us (305-3768) using a program compatible with WordPerfect, naming the document file with a .wpd suffix and identifying in the e-mail the case caption, docket number, party and title of pleading, or (b) diskette in a program compatible with WordPerfect 5.0 or higher, again identifying on the diskette the case caption, docket number, party and title of pleading.

4. Exhibit Format

Any exhibit offered in this proceeding must contain an internally consistent and usable form of referencing. While most documents that are offered as exhibits have pre-numbered pages, some offered exhibits (especially those exhibits consisting of excerpts from more than one document or consisting of a compilation of notes) have pages that are not numbered or are not consistently numbered.

Documents of three pages or more without a preexisting referencing system must be marked with consecutive page numbers before the document is offered as an exhibit or before it is otherwise distributed for use in the hearing. Where it is necessary to supply page numbers for an exhibit, the proponent of the exhibit should add the numbers in some way that differentiates the additions from the preexisting text and should identify his method of addition on the record upon presentation for marking.

Documents without an acceptable referencing system will not be marked for identification and may not be used at the hearing.

5. Number of Copies

The Department requires copies to be filed in the following numbers:

Information Requests and Responses - 1 original and 2 copies.

Responses to Record Requests - 1 original and 2 copies.

Untitled
Bulk Responses (100 pages or more) - 1 original and 1 copy.
Pleadings, Briefs, Motions, Memoranda - 1 original and 2 copies.

6. Address of Filings

The original of all filings must be filed with Mary Cottrell, Secretary of the Department, Department of Telecommunications and Energy, One South Station, 2nd Floor, Boston, MA 02110.

These ground rules are deemed consistent with the orderly conduct of this proceeding. Exceptions to any ground rule may be made by the Hearing Officer for good cause shown.

Date Hearing Officer